

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 18, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #04001

PROPOSAL: To allow a 155' monopole for wireless facilities.

LOCATION: Approximately one-half mile north of the intersection of North 70th Street and Fletcher Avenue.

WAIVERS:

1. Waiver to the required fall zone.
2. Waiver to required landscaping.

LAND AREA: The lease site is approximately 3,600 square feet in area.

CONCLUSION: There are no unique circumstances associated with this site and the waiver to the fall zone is not justified. The waiver to the landscaping is only justified to the extent that existing trees be allowed to be used in the calculation of required screening. With the revisions to the site plan noted in the recommendation, this request complies with the requirements of the Zoning Ordinance and the intent of the Comprehensive Plan.

RECOMMENDATION:

Special Permit #04001

Conditional Approval

Waivers:

1. Fall Zone

Denial

2. Landscape Design Standard

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 10 I.T. in the southwest quarter of Section 34, T11N, R7E, of the 6th P.M., Lancaster County, NE.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Industrial

SURROUNDING LAND USE AND ZONING:

North:	Industrial	AG
South:	Industrial	I-1
East:	Agriculture	AG
West:	Vacant	I-1

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The 2025 Comprehensive Plan's Land Use Plan (as amended July, 2003) designates industrial land uses in this area.

Page F126 - Wireless Telecommunications - The placement and construction of such facilities need to occur in a way that is compatible with the natural and built environment. Taller, more intensive facilities should be located in commercial and industrial areas. Facilities in residential areas should be unobtrusive, of a scale consistent with the neighborhood setting, and sited in a way that does not detract from the enjoyment of the neighborhood by its residents.

TOPOGRAPHY: The land is flat across this site and adjacent properties.

TRAFFIC ANALYSIS: Access to the site is off North 70th Street which is classified as a minor arterial street at this location.

ANALYSIS:

STANDARDS FOR EVALUATION:

Conformity with Comprehensive Plan.

1. The Comprehensive Plan designates industrial land uses in this area. By locating in an industrial area, this proposal is consistent with strategies for siting wireless facilities in areas with compatible uses and that minimize intrusion into neighborhoods. Such towers are part of the infrastructure that supports emerging wireless technologies, and are consistent with the goal of ensuring the community is served by information technology.

Preference of site location in accordance with Section 10.008.

2. There are three location preferences as follows:

A. Preferred Location Sites:

- (1) Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health

and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(2) Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened rooftop mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(3) Publicly owned sites in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

(4) Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

B. Limited Preference Sites, in order of priority:

(1) Sites on other public property.

(2) Sites on other commercially or industrially zoned property.

(3) Screened antennas on multi-family residential structures exceeding 30' in height.

(4) Camouflaged structures with minimal impact on residential land uses.

C. Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas. The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

Being located in an industrial district and an appropriate distance away from residential uses, this application is considered a preferred location site.

Compatibility with abutting property and land uses.

3. This site is located within the largest industrial corridor in Lincoln. The area bounded approximately by North 56th Street, North 84th Street, Havelock Avenue and I-80 is designated for industrial uses in the Land Use Plan of the Comprehensive Plan. The adjacent land use to the south is industrial, with agricultural uses to the north and east and west. The proposed site of the tower is at the south edge of the property adjacent to an industrial use.

The Comprehensive Plan encourages wireless facilities to site in industrial areas because they are compatible with industrial uses, and such siting helps to minimize the impact upon residential areas. Taller towers that accommodate multiple carriers should be encouraged in industrial areas to reduce the need for additional towers and help limit proliferation.

The plans show the tower setback approximately 30' from the side property line, and a waiver to the required fall zone is requested. The fall zone requires that the tower be setback a distance equal to half the height of the tower - which in this case is 77.5'. The fall zone provides a minimum clear buffer around the base of the tower should ice or appurtenances fall from the tower. It is both a reasonable minimum safety requirement and an appropriate consideration for surrounding properties. This site is large enough to allow the tower to be easily moved to meet the setback, and no hardship has been demonstrated to justify waiving the requirement.

Adverse impacts such as visual, environmental or noise impacts.

4. Surrounding development is industrial and there are no residences in the area. The visual impact of a tower at this location upon adjacent properties is not significant, and the environmental and noise impacts are minimal.

Availability of suitable existing structures for antenna mounting.

5. Possible existing structures in the area include two smaller lattice communication towers, the ADM processing plant, and a 100' Alltel tower. The applicant was required to eliminate all potential collocation or roof-mount sites within the search ring and demonstrate why they are not feasible.

The applicant found that the two small lattice towers are not structurally capable of accommodating additional carriers, and they are too short. The processing plant is also not tall enough, and there are technical concerns about dust and fire safety. This is consistent with staff's understanding about grain processing/storage facilities, which is that they are typically not supportive of accommodating wireless facilities due to the

combustibility of grain and the potential fire/explosion hazard created by electronic equipment.

The Alltel facility was constructed in 1993, prior to the current zoning regulations that require towers to be built to accommodate collocation. As a result, Alltel cannot be required to allow another carrier on their tower. However, the applicant attempted to determine if the Alltel tower could accommodate an additional carrier, but was unable to locate the structural analysis for the facility. When contacted by staff, Alltel said they believed the tower was only designed and built to accommodate their antennas, and that it could not accommodate another carrier.

Scale of facility in relation to surrounding land uses.

6. Compatibility of scale is partially provided by the separation from surrounding uses due to the size of the site. The exception is to the south which is a developed industrial site. Compatibility is also provided by existing industrial uses in the area including ADM, Deeter Foundry, and Reimers-Kaufman Concrete.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

7. This site is not within a Capitol View Corridor or located within a historic district. There is no other significant impact noted.

Color and finish.

8. The proposed facility will have a galvanized finish consistent with Section 27.68.110(c). No lighting is proposed.

Ability to collocate.

9. The applicant states that the facility is designed to accommodate a total of five carriers, two more than required by the Zoning Ordinance.

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

10. The applicant is requesting a waiver to the design standard for screening of broadcast towers. As justification, the applicant states that additional trees should not be required due to the industrial nature of the area. Additionally, he states that there is a

row of 8'-10' tall cedar trees along the south property line, and several mature trees along North 70th Street. It should be noted that the trees along the south property line are on a neighboring property.

The Design Standards require towers to be screened with deciduous and coniferous evergreen trees 70% up to 8' in height, with 50% of the trees growing to a mature height of 35'. It is appropriate to allow existing trees along the south property line to be used in the calculation of the required screening provided there is a provision to replace them if the adjoining property owner removes them. However, there are no trees on the other three sides of the tower site and they should be provided in compliance with Design Standards.

The intent of the design standard is to provide a minimum amount of screening to enhance the appearance of the site. Regardless of the zoning district, such screening/landscaping is generally appropriate and serves to improve both this area and the community overall. There is no demonstrated hardship and no apparent reason to waive the design standard beyond allowing existing trees to be used in the calculations for the required screen.

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

11. As noted previously in Section #5, the applicant evaluated the existing facilities in the area and eliminated them from consideration. There are no other preferred location sites in the area.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 A revised site plan including 6 copies showing the following revisions:
 - 1.1.1 The correct scale on all the reduced plan sheets.
 - 1.1.2 The monopole setback no less than 77.5' from property lines.

- 1.2 A revised landscape plan showing all required screening per City of Lincoln Design Standards, and including tree species, height, spread, and planting method.
2. This approval permits a 155' tall wireless facility capable of accommodating at least five wireless carriers consistent with the revised site plan.
3. If the existing trees on the adjacent property are allowed to be used as part of the calculations for required screening, they must be replaced on site if removed by the neighboring property owner.

General:

2. Before receiving building permits:
 - 2.1 The construction plans shall comply with the approved plans.
 - 2.2 The permitted shall submit a surety approved by the City Attorney in an amount adequate to guarantee the removal of the facility.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before use of the facility all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the County Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special

permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP
Planner
February 4, 2004

CONTACT: Douglas Rogers
LCC International
1023 Lincoln Mall
Lincoln, NE 68508
(402) 434-9307

APPLICANT: US Cellular Wireless Communications
3601 109th Street
Urbandale, IA 50322
(515) 210-1010

OWNER: Constructors, Inc.
1815 Y Street
Lincoln, NE 68508
(402) 434-1764

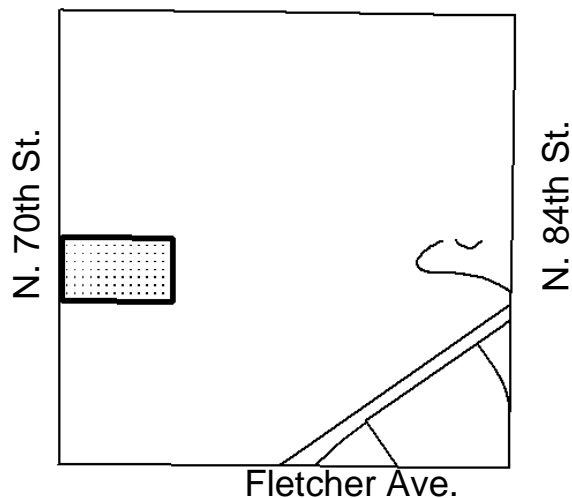
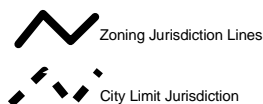


2002 aerial

Special Permit #04001 **N. 70th & Cornhusker Hwy.** **US Cellular** **Zoning:**

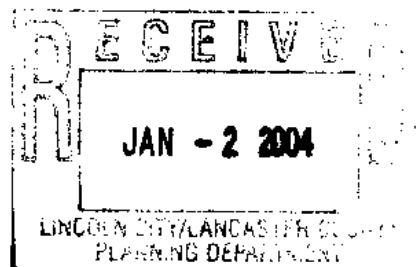
Alvo Rd.

One Square Mile
 Sec. 34 T11N R7E





December, 30, 2003



Mr. Brian Will
Planner
Mr. Brian Will
Planner
City of Lincoln-Planning Dept.
555 South 10th Street/Suite 213
Lincoln, NE 68508

Dear Mr. Will:

LCC International is contracted by US Cellular to do a wireless network build out for their Lincoln, Nebraska market. This zoning statement letter is in regard to our Special Permit application to install a new 150' monopole and ground equipment compound on property owned currently by Constructors at 6500 N 70th Street.

The current zoning of the property is I-1 and meets the City of Lincoln's preferred location for a telecommunications tower as described in the ordinance section 27.68.080 paragraph 4.

The proposed monopole tower will be engineered for a total of 5 carriers and the proposed ground compound will have adequate space to accommodate ground equipment or shelters for 5 carriers.

We would like to request a waiver of the landscaping requirements due to several factors. The first being that the proposed location is in the rear corner of an industrial area, and the south property line currently has a row of approximately 8-10 foot cedar trees from the east property line running west to 70th Street. There are also a number of mature trees along the property line running parallel to 70th Street.

We respectfully ask the City of Lincoln to review and approve this special permit to construct the proposed tower and compound for US Cellular.

Thank you for your time and consideration in this matter.

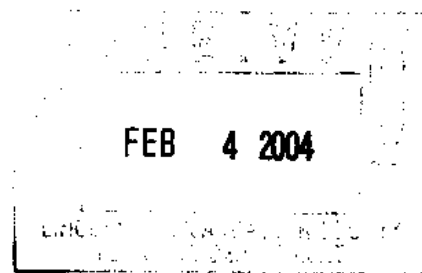
Sincerely,

Douglas Rogers
LCC International

1023 Lincoln Mall Road
Lincoln, Nebraska 68508



February 3, 2004



Mr. Brian Will
Planner
City of Lincoln-Planning Dept.
555 South 10th Street – Suite 213
Lincoln, NE 68508

Dear Mr. Will:

LCC International is contracted by US Cellular to do a wireless network build out for their Lincoln Nebraska market. This zoning statement letter is in regard to our Special Permit application to install a new 150' monopole and ground equipment compound on property owned by Constructors at 6500 N 70th Street.

The current zoning of the property is I-1 and meets the City of Lincoln's preferred location for a telecommunications tower as described in the ordinance section 27.68.080 paragraph 4. Prior to searching for a location to install a new tower, LCC personnel looked at 2 existing, small lattice towers within the RF search ring. Neither tower is structurally capable of holding an array of PCS style antennas.

There is also a monopole tower owned by Alltel which is within the RF search ring, however after several months of communication with Alltel representatives we were told that they were unable to locate structural documents, and that the tower was installed prior to the current collocation ordinance requirements. Several hours were spent at the Building and Safety department researching the original building permit for the Alltel tower. Microfiche of the building permit was located, but there was no structural information about the monopole.

A rooftop location at the ADM facility was also researched, but after RF evaluation it was determined that the location would not be adequate to accomplish the coverage objectives of US Cellular. The ADM facility would also be on top of a silo, which in the past has proven to have security and access issues as well as dust, fire, safety and mechanical issues and problems.

The proposed monopole tower will be engineered for a total of 5 carriers and the proposed ground compound will have adequate space to accommodate ground equipment or shelters for 5 carriers.

We would like to request a waiver of the landscaping requirements, section 27.68.110 paragraph (a-1), due to several factors. The first being that the proposed location is in the rear corner of an industrial lot, and the south property line currently has a row of approximately 8-10 foot cedar trees from the east property line running west to 70th Street. There are also multiple, mature trees along the property line running parallel to 70th Street.

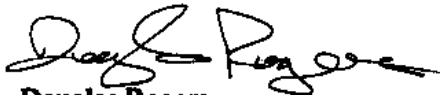
1023 Lincoln Mall Road
Lincoln, Nebraska 68508

We are also requesting a waiver of the fall zone, section 27.68.110 paragraph (g). We feel that the waiver will not adversely impact adjacent properties, nor will the waiver cause any safety or health issues to the public.

We respectfully ask the City of Lincoln to review and approve this special permit to construct the proposed tower and compound for US Cellular.

Thank you for your time and consideration in this matter.

Sincerely,

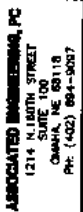
A handwritten signature in black ink, appearing to read "Douglas Rogers", written in a cursive style.

Douglas Rogers
LCC International

SCREENING AND LANDSCAPE STATEMENT

The proposed site is located at 6500 North 70th Street, Lincoln, NE. Measures were taken to minimize the adverse visual effects. Our proposal is to locate the tower and compound to the rear of the property. The existing buildings provide additional screening.

The site is also located in an Industrial area and will not have an adverse visual effect to adjacent properties.



APPLICANT/OWNER:
U.S. Cellular
INTERNET COMMUNICATIONS
CENTRAL OFFICE
300 NORTH STREET
DUNDASVILLE, IL 60015

CLIENT: _____
1023 LINCOLN MALL
LINCOLN, NEBRASKA 68508
(402) 434-9300

DATE	TIME	LOC	FL
10/10/71	1400	1000	1000

SPECIALS _____
 WHITE ADD _____
 CHONG _____
 F. _____
 CONSTRUCTION _____
 UNDER _____

TE NAME: _____
CORNHUSKER HWY

TE NUMBER: 871389.2

125103

RECEIPTS	DATE	DESCRIPTION	REV.
	1/7/03	90% ZONING DWGS.	0
	1/20/03	95% ZONING DWGS.	0
	1/05/03	100% ZONING DWGS.	0
	1/31/03	ZONING DEPT.	1

OVERALL SITE PLAN

C-1	0
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PROJECT NUMBER:	671309.2
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